

March 8, 2017

Mr. Merrill Plait  
Baltimore County Board of Education  
Division of Physical Facilities  
9610 Pulaski Park Drive, Suite 204  
Baltimore, MD 21220

Re: Woodlawn High School - Limited Renovations  
Forest Conservation Variance  
Tracking # 01-17-2433

Dear Mr. Plait:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability, Title 6 Forest Conservation was received by this Department on March 3, 2017. This request proposes to base the afforestation required by Section 33-6-111 of the Forest Conservation Law on the 0.5 acre limit of disturbance for proposed improvements to the school rather than the entire 55.2 acre Woodlawn High School site. These improvements include constructing elevator and stairway additions to an existing building, constructing ADA-compliant parking spaces, installing a new fire hydrant, installing a new chiller enclosure, and modifications to the existing sidewalks.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant is seeking site improvements to a school that existed prior to the effective date of the Forest Conservation Law. Full application of the law to the entire property would result in greater cost of complying with the law, but would not deprive the applicant of beneficial use of the property. Therefore, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The cost of complying with the Forest Conservation Law in order to make the proposed improvements is a unique circumstance associated with the size of the subject property rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. According to this variance request, only 0.5 acre of the 55.2 acre school property would be disturbed to construct the elevator and stairway additions, parking spaces, a new fire hydrant, chiller enclosure and sidewalk modifications. Furthermore, the site has existed as a school for years, so the proposed improvements would not alter the character of the neighborhood. Therefore, we find that this criterion has been met.

The forth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that there are no streams, wetlands, or floodplains immediately near the proposed improvements. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. The petitioner has not taken any action to create a condition or circumstance necessitating this variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Reducing the afforestation calculation based on limit of disturbance for making renovations and improvements to the existing school is consistent with the spirit and intent of the Forest Conservation Law. This is especially true given that no impacts to forest, specimen trees, or water quality would result from the proposed development. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the above criteria have been met. Furthermore, the associated forest conservation worksheet reveals that this 0.5 acre limit of disturbance for this project requires only 0.1 acre of afforestation.

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As a result of the findings above, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code with the following conditions:

1. The 0.1-acre afforestation requirement shall be met by paying a fee-in-lieu of planting in the amount of \$2,178.00. This fee shall be paid prior to EPS approval of any permit.
2. The following note must appear on all plans submitted for this project:

“On March 8, 2017 a special variance to the Forest Conservation Law was granted by the Baltimore County Department of Environmental Protection and Sustainability. This variance allows the afforestation calculation to be based on the 0.5 acre limit of disturbance rather than the entire 55.2 acre site. This variance approval does not exempt future development activities at this site from compliance with Baltimore County’s Forest Conservation Law.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of this project.

If you have any questions, please call John Russo or my staff at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina  
Director

VJG/jgr

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33, Title 6. Forest Conservation:

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Baltimore County Public Schools Representative

Date

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- c. Mark Corl, Baltimore County Public Schools  
Nicholas Wilson, MK Consulting